

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Environmental Preservation Committee

BILL: SB 668

SPONSOR: Senator Jones

SUBJECT: Defibrillators in State Parks

DATE: January 31, 2005

REVISED: 4/15/05

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Baum	Kiger	EP	Fav/1 amendment
2.			HC	
3.			JD	
4.			GA	
5.				
6.				

Please see last section for Summary of Amendments

- Technical amendments were recommended
- Amendments were recommended
- Significant amendments were recommended

I. Summary:

This bill encourages the Division of Recreation and Parks (division), under the Department of Environmental Protection (DEP) to purchase and use automated external defibrillators (AED's) in state parks. Authority is given to the division, to adopt relevant rules and provide necessary appropriations. In addition the bill provides that pursuant to s. 401.2915, F.S. state park employees shall be required to be trained properly in the use of the AED and shall maintain the device to ensure it is always in proper working condition and any employee or volunteer who uses the device is required to activate the emergency medical services system as soon as possible upon use of the AED. Provisions of the bill will also allow employees and volunteers using the device to immunity pursuant to 768.13, F.S. (Good Samaritan Act) and 768.1325, F.S. (Cardiac Arrest Survival Act).

The bill provides for one-time appropriation during the 2005-06 fiscal year in the sum of \$214,000 from the General Revenue Fund to the division for the purpose of implementing this act and for purchasing AED's only.

This bill creates s. 258.0165, F.S.

II. Present Situation:

According to the DEP, the state of Florida had 1.9 million overnight campers visit state parks last year. Of the 54 camping parks, 13 had attendance greater than 200,000 last year. The total visitors to all state parks for the 2003-04 fiscal year was over 19 million. The number of visitors in Florida state parks over the age of 45 for the same time period was over 4 million or 21% of all the visitors.

In 2003, the death rate from cardiovascular disease among Floridians age 45-85 was 577 per 1,000 deaths. Sudden cardiac arrest occurs on average at about 60 years of age. Each year, more than 350,000 Americans die from sudden cardiac arrest. Minutes and even seconds can mean the difference between life and death. In Florida each month, approximately 2 to 3 people are saved with an AED by a trained lay person. An AED determines the patient's heart rhythm to determine if a shock should be provided, and if needed, adjusts the level of energy to deliver an appropriate shock to the patient's heart when a rescuer pushes a button. The shock stops the abnormal rhythm and allows a normal pumping action to resume. To increase the chances of surviving a sudden cardiac arrest, an electrical defibrillation shock must be delivered quickly. AEDs are easy to use, compact, battery operated, lightweight and durable. Public access to AEDs has increased survival rates by up to 50 percent for those suffering a sudden cardiac arrest. All states have enacted defibrillator laws or adopted regulations regarding their use.¹

Section 401.2915, F.S. provides that an AED may be used by any person for the purpose of saving the life of another person in cardiac arrest. In order to ensure public health and safety:

- All persons who use an AED must obtain appropriate training, which includes completion of a course in cardiopulmonary resuscitation or successful completion of a basic first aid course that includes cardiopulmonary resuscitation training, and demonstrate proficiency in the use of an AED.
- Any person or entity in possession of an AED is encouraged to register with the local emergency medical director the existence and location of the AED.
- Any person who uses an AED is required to activate the emergency medical services system as soon as possible upon the use of the AED.

Section 768.13, F.S. provides that any person using an AED, including those licensed to practice medicine, who gratuitously and in good faith renders emergency care or treatment either in direct response to emergency situations related to and arising out of a public health emergencies shall not be held liable for any civil damages as a result of such medical care or treatment unless there are circumstances demonstrating reckless disregard for the consequences so as to affect the life or health of another.

Section 768.1325 F.S. provides immunity from civil liability for a person who uses or attempts to use an AED device on a victim of a perceived medical emergency, without objection of the

¹ Peter Scalco, Department of Environmental Protection, <http://www.dep.state.fl>, with additional information provided by the American Red Cross <http://www.redcross.org>

victim of the perceived medical emergency, including immunity from civil liability for any harm resulting from the use or attempted use of such a device.

III. Effect of Proposed Changes:

The bill creates section 258.0165, F.S., known as “Defibrillators in state parks”, provisions will:

- Encourage each state park to have a functioning AED on the premises at all times.
- Require training to ensure that employees and volunteers are properly trained in accordance with s. 401.2915, F.S.
- Direct that the location of an AED is registered with a local emergency medical services medical director under s. 401.2915, F.S.
- Provide that any use of an AED by employees and volunteers be covered under ss. 768.13, F.S. (Good Samaritan Act) and 768.1325, F.S. (Cardiac Arrest Survival Act).

The bill provides that the division may adopt rules pursuant to section 120.536(1), F.S., and section 120.54, F.S., to implement the provisions of this section of statute.

The bill appropriates a sum of \$214,000 for the fiscal year 2005-2006 only from the General Revenue Fund to the division for the purpose of implementing the act and purchasing AED’s only.

Based on conversations with the Emergency Medical Services Department within the Department of Health concerning bids for AED’s, it is estimated that each AED will cost between \$800 and \$1700. These costs are for the AED only and do not include extra parts or maintenance. The appropriations should allow for the division to purchase between 125 and 260 AED’s.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

The proposed bill, if passed, would benefit the successful bidder on a contract to provide \$214,000 worth of AEDs only to state parks.

C. Government Sector Impact:

\$214,000 in FY 2005-06 is appropriated to the Division of Recreation and Parks, Department of Environmental Protection, only for the purchase of as many AEDs as possible.

Recurring Expense: Regular replacement of AEDs will occur when they no longer work, wear out, or become outdated because of technological advances in AED development. This expense is unknown due to the variables associated with each AED repair.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

VIII. Summary of Amendments:

Barcode 105226 by Environmental Preservation:

The amendment adopted by the Committee clarifies that the \$214,000 appropriated by the General Revenue Fund to the Division of Recreation and Parks of the Department of Environmental Protection is to only be used to purchase automated external defibrillators.

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